

Petition
*#23*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

IN RE APPLICATION OF :
KAZUFUMI ISHIYAMA :
SERIAL NO: 930,993 : GROUP ART UNIT: 212 GROUP, 210
FILED: NOVEMBER 14, 1986 : EXAMINER: BUDD
FOR: CURVILINEAR ARRAY OF : BATCH NO: V46
ULTRASONIC TRANSDUCERS :

MAY 14 1987

PETITION UNDER 37 CFR 1.312(a), OR IN THE
ALTERNATIVE, UNDER 37 CFR 1.313(a)

HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

SIR:

In accordance with the above noted provisions of 37 CFR, Applicant respectfully requests entry and consideration of the Information Disclosure Statement and the references cited therein, attached hereto. If withdrawal from issuance is required, withdrawal is respectfully requested.

Briefly recapitulating, on May 6, 1987 the offices of the undersigned received a facsimile letter from Applicant's corporate patent department explaining that a European Search Report in the corresponding European application was mailed by the European Patent Office on June 23, 1986. Copies of the references cited in the European Search Report and the European Search Report were mailed by air mail to the undersigned and received

in the office of the undersigned on May 11, 1987. On May 12 and May 13, 1987 the undersigned reviewed the European Search Report and the references cited therein and determined that, with regard to the references cited in the European Search Report, "there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent" (37 CFR 1.56(a)). Therefore the undersigned immediately prepared the present Petition and enclosed Information Disclosure Statement seeking consideration of the references cited in the European Search Report.

It is the understanding of the undersigned, based on the May 6, 1987 letter from Applicant's corporate patent department, that the reason why the European Search Report and references cited therein were not previously submitted was because the corporate patent engineer responsible for the present application was not fully aware of the scope of the duty to disclose, especially with respect to the citation in the United States Patent and Trademark Office of prior art cited in the corresponding applications in other countries. On March 23, 1987, the undersigned Mr. Spivak visited the corporate patent department in Japan and lectured the corporate patent engineer, and others in the corporate patent department on the requirements of the

duty to disclose. In his May 6, 1987 letter, the corporate patent engineer remarked that "your [Mr. Spivak's] lecture made me check the references cited in another country's application", which is the reason why it is the belief of the undersigned that the corporate patent engineer did not fully understand the scope of the duty to disclose under 37 CFR 1.56. In any event, it is the belief of the undersigned that there was no deceptive intent involved in the delayed submission of the materials included in the attached Information Disclosure Statement.


The relevancy of the references cited in the European Search Report is stated on the European Search Report itself, and in the accompanying Information Disclosure Statement. Although it is Applicant's view that the newly cited references do not render the allowed claims unpatentable, for the reasons as noted in the attached Information Disclosure Statement, it is believed that submission and consideration of the European Search Report and the cited references is necessary to assure compliance with Applicant's "duty to disclose".

Submitted herewith is the required fees, \$72.00, set forth in 37 CFR 1.17(i). If any additional fees


are required, the Commissioner is authorized to charge the undersigned's Deposit Account No. 15-0030. A duplicate copy of this petition is attached hereto.

Respectfully submitted,

OBLON, FISHER, SPIVAK,
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